

Federal Court



Cour fédérale

Date: 20190215

Docket: IMM-3819-18

Citation: 2019 FC 192

[CERTIFIED ENGLISH TRANSLATION REVISED BY THE AUTHOR]

Ottawa, Ontario, February 15, 2019

PRESENT: Mr. Justice Grammond

BETWEEN:

MOHAMAD BEYROUTHY

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The applicant, Mr. Beyrouthy, is seeking judicial review of the refusal of his application for a pre-removal risk assessment [PRRA]. I am dismissing this application because the PRRA officer reasonably concluded that the applicant failed to rebut the presumption of state protection.

[2] Mr. Beyrouthy is a 27-year-old Sunni Muslim and a citizen of Lebanon. He first arrived in Canada in February 2009 and claimed refugee protection. His claim was denied, and he left Canada in November 2009.

[3] In December 2012, he started a romantic relationship with a Maronite Christian woman. In January 2014, his girlfriend's brother and four of her cousins allegedly threatened him over the telephone, physically beat him up in the street and damaged his car. The police refused to intervene on the grounds that this was a family dispute.

[4] On May 23, 2015, Mr. Beyrouthy married his girlfriend in a religious ceremony that was not officially registered. After the marriage, he and his wife allegedly tried to go into hiding, but his wife's brother and cousins found them and an altercation ensued. Since he sustained injuries, Mr. Beyrouthy reportedly went to the hospital and then tried to file a complaint with the police. He claims that the police refused to intervene on the grounds that this was a family dispute. However, the record contains a police report that mentions the intervention of a judge and an undertaking given by the attackers.

[5] The couple subsequently travelled to the United Arab Emirates [UAE]. In October 2015, Mr. Beyrouthy's brother-in-law also allegedly travelled to the UAE and contacted his sister to ask her where she was. She refused to answer. On January 4, 2016, when their residence permit for the UAE expired, Mr. Beyrouthy and his spouse returned to Lebanon, where they once again received threats. The applicant says he feared for his life and went into hiding.

[6] Shortly afterwards, Mr. Beyrouthy applied for a study permit online to study at the University of Alberta. When he arrived in Canada on February 6, 2016, he was informed of his inadmissibility to enter Canada because he had not applied for and obtained an authorization to return to Canada. He again claimed refugee protection on the ground that he feared for his life in Lebanon.

[7] Since his refugee protection claim was deemed ineligible, a removal order was issued against Mr. Beyrouthy. On February 19, 2016, he applied for a PRRA, but this application was refused on November 30, 2017. Mr. Beyrouthy then filed an application for leave and for judicial review of this first decision, which was settled out of court.

[8] On June 11, 2018, another PRRA officer again rejected Mr. Beyrouthy's claim for protection. In his reasons, the officer found that Mr. Beyrouthy had failed to establish a well-founded fear of persecution under section 96 of the *Immigration and Refugee Protection Act, SC 2001, c 27 [IRPA]*, or a danger of torture, a risk to life, or a risk of cruel and unusual treatment or punishment under section 97 of IRPA. The officer also found that Mr. Beyrouthy's evidence was not sufficient to demonstrate that he was facing a personalized risk in his country or that he would suffer treatment that was sufficiently serious as to amount to persecution. Lastly, the officer found that Mr. Beyrouthy had failed to rebut the presumption that his state of origin was able to protect him.

[9] In my view, the PRRA officer's state protection finding was reasonable and this is sufficient to dispose of the application.

[10] In support of his PRRA application, Mr. Beyrouthy filed several newspaper articles about the issue of honour crimes in Lebanon, as well as a research paper by the Immigration and Refugee Board [IRB] concerning interfaith marriages in Lebanon. This evidence reveals the following:

- In Lebanon, the power to regulate marriages is delegated to religious communities, which creates major obstacles for the solemnization of interfaith marriages;
- Interfaith marriages are generally frowned upon in Lebanese society, even though attitudes are beginning to change;
- So-called honour crimes still happen in Lebanon and, in some cases, may be prompted by disapproval of an interfaith romantic relationship or marriage;
- The provision in the Lebanese criminal code excusing certain forms of honour crimes was repealed in 1999, even though the effectiveness of this repeal remains the subject of debate.

[11] After analyzing this evidence, the PRRA officer found that it did not establish that Mr. Beyrouthy would face a personalized risk. Moreover, because of the intervention by a judge and the undertaking given by the attackers, the officer concluded that Mr. Beyrouthy had failed to rebut the presumption of state protection.

[12] Before me, Mr. Beyrouthy submitted that this finding was unreasonable. In his view, requiring his attackers to enter into an undertaking was not an adequate response to the assault against him. He also claimed that the current state of the law in Lebanon prevents the police from properly protecting him from what is a form of honour crime.

[13] I cannot accept Mr. Beyrouthy's arguments. It was the PRRA officer's responsibility to draw a conclusion concerning state protection. In my view, based on the record before him, the PRRA officer could reasonably conclude that there was adequate state protection. The fact that, in this particular case, Lebanese authorities chose to resort to preventive measures rather than punitive ones does not make this finding unreasonable.

[14] I took the initiative of consulting the latest reports of the United Nations Human Rights Committee, the United Nations Committee on the Elimination of Discrimination against Women and the United States Department of State concerning the human rights situation in Lebanon. All these reports are included in the National Documentation Package maintained by the IRB. Moreover, the Department of State report is included in the list of information sources consulted by the PRRA officer. These reports do not mention the issue of honour crimes and, to that extent, they confirm the reasonableness of the decision.

[15] In light of the foregoing, it is not necessary for me to rule on Mr. Beyrouthy's other grounds. I must say that the part of the decision concerning the assessment of the alleged risk and the supporting documentary evidence presented by Mr. Beyrouthy appears to be fraught with errors similar to those that I identified in *Magonza v Canada (Citizenship and Immigration)*,

2019 FC 14. However, the presence of errors does not make a decision unreasonable if the outcome would clearly have been the same: *Tran v Canada (Citizenship and Immigration)*, 2018 FC 210 at paragraph 13.

[16] As a result, the application for judicial review is dismissed.

JUDGMENT in IMM-3819-18

THE COURT ORDERS AND ADJUDGES THAT:

1. The application for judicial review is dismissed.
2. No question is certified.

“Sébastien Grammond”

Judge

Certified true translation
This 6th day of May 2019.

Johanna Kratz, Translator

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-3819-18

STYLE OF CAUSE: MOHAMAD BEYROUTHY v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: MONTRÉAL, QUEBEC

DATE OF HEARING: FEBRUARY 13, 2019

JUDGMENT AND REASONS: GRAMMOND J.

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APPEARANCES:

Jacques Beauchemin

FOR THE APPLICANT

Suzanne Trudel

FOR THE RESPONDENT

SOLICITORS OF RECORD:

Jacques Beauchemin
Barrister and Solicitor
Montréal, Quebec

FOR THE APPLICANT

Attorney General of Canada
Ottawa, Ontario

FOR THE RESPONDENT